



10-13-05

2134

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ling Dkt. No: GB9-1999-0146US1 (IBMR-0077)
Serial No.: 09/667,366 Examiner: Ho, Thomas M.
Filed: 09/22/2000 Art Unit: 2134
Title: METHOD FOR PREVENTING PARASITIC USAGE OF WEB PAGE
EMBEDDED FILES

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF

ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Sir:

This Petition is being filed subsequent to the Notice of Abandonment mailed September 28, 2005.

Applicant submits that the Notice of Abandonment citing Applicant's alleged failure to timely file a proper reply to the Office letter mailed on March 4, 2004 is improper. In particular, as indicated by the date on the attached Amendment, Certification of Facsimile Transmission and Auto-Reply Facsimile Transmission, the Amendment was filed by facsimile with the USPTO on June 4, 2005, the due date under the three month statutory period based on an Office Action mailing date of March 4, 2004. Furthermore, when Applicant was informed by Examiner Thomas Ho that he had not received the response, Applicant supplied proof of filing, which was received by Examiner Ho on May 10, 2005. Accordingly, Applicant requests withdrawal of the holding of abandonment in the above-referenced patent application.

Respectfully submitted,

Ronald A. D'Alessandro
Reg. No. 42,456

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)



Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

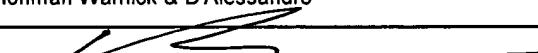
(to be used for all correspondence after initial filing)

		Application Number	09/667,366
		Filing Date	Sep 22, 2000
		First Named Inventor	Ling et al,
		Art Unit	2134
		Examiner Name	Ho, Thomas M.
Total Number of Pages in This Submission		Attorney Docket Number	GB9-1999-0146US1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hoffman Warnick & D'Alessandro		
Signature			
Printed name	Ronald A. D'Alessandro		
Date	October 12, 2005	Reg. No.	42,456

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Linda T. Sagarese	Date	October 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Auto-Reply Facsimile Transmission



TO: Fax Sender at 518 449 0047
Fax Information
Date Received: 6/4/2004 2:42:15 PM [Eastern Daylight Time]
Total Pages: 9 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Ling <i>et al.</i> Conf. No.: 9751	
Serial No.:	09/667,366 Art Unit: 2134
Filed:	09/22/2000 Examiner: Ho, Thomas M.
Title: METHOD FOR PREVENTING Docket No.: GB9-1999-0146US1 (IBMR-0077) PARASITIC USAGE OF WEB PAGE EMBEDDED FILES	
Mail Stop Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450	
AMENDMENT	
Sir:	
I. INTRODUCTORY COMMENTS:	
This paper is being filed in response to the Office Action dated March 4, 2004. Please amend the above-referenced patent application as follows:	
Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.	
Remarks begin on page 6 of this paper.	
09/667,366 Page 1 of 9	
PAGE 19 : RCV'D AT 6/4/2004 2:42:15 PM [Eastern Daylight Time] : SVR:USPTO-EXRF-111 : DMS:472936 : CSD:5184490047 : DURATION (min:sec):02:28	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/667,366 Conf. No.: 9751
Filing Date: 09/22/2000 Art Unit: 2134
Applicant: Ling et al. Examiner: Ho, Thomas M.
Title: METHOD FOR PREVENTING Docket No.: GB919990146US1
PARASITIC USAGE OF WEB
PAGE EMBEDDED FILES

COMMISSIONER FOR PATENTS

DESTINATION FACSIMILE NUMBER: 703-872-9306

Transmitted herewith is: Amendment in 9 pages

in the above identified application.

- No additional fee is required.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 09-0461 (IBM) as described below.
 - Credit any overpayment.
 - Charge any additional fee required.

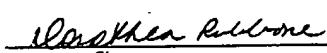

Ronald A. D'Alessandro, Reg. No. 42,456

DATE: June 4, 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Dorothea Rubbone
(Person transmitting this correspondence)

 6-4-2004
Signature Date

If you receive this correspondence in error or do not receive the entire transmission, please notify us at (518) 449-0044.

TX RESULT REPORT

NAME: HOFFMAN, WARNICK & ALESSANDRO LLC
TEL: 518 449 0047
DATE: JUN 04 2004 13:43

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
0044	TX	01	USPTO	JUN 04	13:41	009	00H02'13"	ECM	OK